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BK 7058PG336

TRANSFER
TAX
PAID

QUITCLAIM DEED WITH COVENANT


029687

WEBBER OIL COMPANY, a Maine corporation, having a mailing address of 700 Main Street, Bangor, Penobscot County, Maine 04401, for consideration paid, grants to **HARMANEY REALTY LIMITED PARTNERSHIP**, a Maine limited partnership having a mailing address of 700 Main Street, Bangor, Penobscot County, Maine 04401, with Quitclaim Covenant, the land together with any buildings or improvements thereon in Waterville, Kennebec County, State of Maine, described on the attached Schedule A.


Any and all other rights, easements, privileges and appurtenances belonging to the granted estate are hereby conveyed.

IN WITNESS WHEREOF, Webber Oil Company has caused this instrument to be signed in its name by Michael T. Shea, its President, this 3rd day of June, 2002.

WITNESS:



WEBBER OIL COMPANY

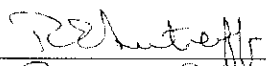
By: 
Michael T. Shea
Its President
Hereunto Duly Authorized

STATE OF MAINE
COUNTY OF PENOBSCOT

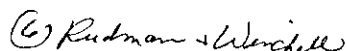
June 3, 2002

Then personally appeared the above-named Michael T. Shea, in his capacity as President, and acknowledged the foregoing instrument to be his free act and deed in said capacity, and the free act and deed of said Webber Oil Company.

Before me,


Name: Robert E. Sullivan
Notary Public
Maine Attorney-at-Law

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SCHEDULE A

**Webber Oil Company
to
Harmaney Realty Limited Partnership**

PARCEL ONE: That certain parcel of real estate situate in Waterville on the westerly side of Main Street, County of Kennebec and State of Maine known and designated as bounded and described as follows:

Beginning at the southeasterly corner of land now or formerly of College Motor Hotel, Inc. which point is in the westerly line of Main Street and one hundred sixty-seven and 47/100 (167.47) feet southerly from a Maine Highway Bound and running S. 5°-45' E. bounding easterly on Main Street one hundred ninety-three and 63/100 (193.63) feet to the northeasterly corner of land now or formerly of Evelyn F. Rosenthal; thence turning an interior angle of 54°-19'-30" and running N. 60°-04'-30" W. bounding southwesterly on said land now or formerly of Evelyn F. Rosenthal and on land now or formerly of Elm Realty Trust two hundred and no/100 (200.00) feet to a point; thence turning an interior angle of 91°-24' and running N. 28°-31'-30" E. bounding northwesterly on land now or formerly of Robert Sage and on said land now or formerly of College Motor Hotel, Inc., ninety-three and 17/100 (93.17) feet to a point; thence turning an interior angle of 124°-16'-30" and running N. 84°-15' E. bounding northerly on said land now or formerly of College Motor Hotel, Inc., one hundred ten and no/100 (110.00) feet to the point of beginning, making an interior angle of 90°-00' with the first-described course. Contains 19,965 square feet of land, more or less.

Parcel One is subject to the following:

1) Covenants and agreements of the Grantee in deed of Robert Sage to Sun Oil Company dated August 6, 1965 and recorded in the Kennebec County Registry of Deeds in Book 1383, Page 429, as affected by release deed dated November 14, 1975 and recorded in Book 1868, Page 102.

2) Drainage easement and outlet ditch as shown on plan entitled "Survey of Property Main St. Waterville, Me. Sun Oil Company" dated May 11, 1965 by Gilbert & Maloney and temporary slope easement involved in condemnation of about .09 acres by Maine State Highway Commission against Roland G. Ware dated September 7, 1960 and recorded in Kennebec County Registry of Deeds in Book 1201, Page 7 and re-recorded in Book 1216, Page 95.

3) Easement granted to Central Maine Power Company dated February 1, 1967 and recorded in the Kennebec County Registry of Deeds in Book 1435, Page 912.

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4) Easement for underdrain granted by Lewis J. Rosenthal to the State of Maine dated September 16, 1968 and recorded in the Kennebec County Registry of Deeds in Book 1482, Page 694.

5) Easement granted by Webber Oil Company to Central Maine Power Company recorded October 19, 1978 and recorded in the Kennebec County Registry of Deeds in Book 2156, Page 207.

6) Easement granted by Webber Oil Company to WCCA Associations, Inc. dated June 26, 2002 and recorded in the Kennebec County Registry of Deeds in Book 7000, Page 163.

For source of title to Parcel One, reference may be had to the deed from Sun Oil Company of Pennsylvania to Webber Petroleum Company dated November 21, 1975 and recorded in the Kennebec County Registry of Deeds in Book 1868, Page 104. Also see the certificate of merger between Webber Petroleum Company, et al, and Webber Oil Company dated February 5, 1986 and recorded in Book 2913, Page 53 confirming Webber Oil Company as the surviving corporation.

PARCEL TWO: A certain lot or parcel of land located on the westerly side of, but not adjacent to, Main Street in the City of Waterville, Kennebec County, Maine, described as follows:

Beginning at a point depicted on a plan entitled Subdivision Plat of Waterville Commons, Route 104 a.k.a. Main Street, City of Waterville, Kennebec County, State of Maine, sheet 2 of 2, prepared for O.M. Minot Associates, L.L.C. and O.M. Crystal River Associates, L.L.C. by Survey & Geodetic Consultants, Inc., dated March 8, 2001 and recorded in the Kennebec County Registry of Deeds in Plan Book E-2001, Pages 35 and 36; said point being at the southerly side of the Common Access Road Parcel, now known as Waterville Commons Drive, at the northwesterly corner of a parcel of land now or formerly of Webber Oil Company, said point being the Point of Beginning;

Thence S 12° 53' 13" W a distance of 93.35 feet, along said land now or formerly of Webber Oil Company to a point;

Thence S 79° 16' 24" E a distance of 39.50 feet, continuing along said land of Webber Oil Company to a point and land now or formerly of E.F.R., Inc.;

Thence S 30° 22' 17" E a distance of 129.31 feet, along said land of E.F.R., Inc., to a point and land now or formerly of Elm Plaza Corporation;

Thence N 63° 09' 50" W a distance of 156.90 feet along said land of Elm Plaza Corporation to a point;

Thence N 79° 57' 50" W a distance of 18.70 feet along said land of Elm Plaza Corporation to a point;

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Thence N 24° 57' 33" W a distance of 91.46 feet along said Common Access Road Parcel to a point;

Thence N 65° 02' 13" E a distance of 125.35 feet along said Common Access Road Parcel to the Point of Beginning.

Parcel Two is subject to the following items:

- 1) Rights acquired by the State of Maine pursuant to Notice of Layout and Taking dated September 7, 1960 and recorded in Kennebec County Registry of Deeds in Book 1201, Page 7 and re-recorded in Book 1216, Page 95.
- 2) Covenants and agreement that retained property of Robert Sage shall not be used for or in connection with the operation of a gasoline service station, as set forth in a warranty deed from Robert Sage to Sun Oil Company dated August 6, 1965 and recorded in the Kennebec County Registry of Deeds in Book 1383, Page 429, as affecting that portion of Parcel Two which is described in a deed from Lafayette Waterville, Inc. to OM Crystal River Associates, LLC dated February 15, 2001 and recorded in said registry of deeds in Book 6405, Page 208, which covenant benefits Parcel One described above.
- 3) Rights and easements granted to Central Maine Power Company by Lewis Rosenthal and Robert Rosenthal, Trustees of the Waterville Shopping Trust in an instrument dated January 18, 1974 and recorded in the Kennebec County Registry of Deeds in Book 1707, Page 62, which rights were confirmed in an easement granted to Elm Plaza Corporation as set forth in an instrument from Foresite, Inc. dated November 1, 1960 and recorded in the Kennebec County Registry of deeds in Book 3840, Page 36.
- 4) Rights and easements excepted by Lafayette Waterville, Inc. in a deed to OM Crystal River Associates, L.L.C. dated February 15, 2001 and recorded in the Kennebec County Registry of Deeds in Book 6405, Page 208.
- 5) Rights, easements, restrictions, terms, conditions and options as set forth in Agreement of Easements and Restrictive Covenants and Memorandum of Option by and among OM Minot Associates, L.L.C., OM Crystal River Associates, L.L.C. and Lafayette Waterville, Inc. dated February 16, 2001, and recorded in the Kennebec County Registry of Deeds in Book 6408, Page 191.
- 6) Applicable terms and conditions of a Department of Environmental Protection Order relating to Waterville Commons dated April 10, 2001 recorded in the Kennebec County Registry of Deeds in Book 6462, Page 216, and an order dated May 29, 2001 and recorded in said registry in Book 6508, Page 23.
- 7) Rights, easements, obligations and restrictions set forth in a Reciprocal Easement and Operation Agreement ("REA") by and between Waterville Commons Associates, L.L.C., WCCA Associations, Inc., HD Waterville Commons Associates, L.L.C. and Home Depot U.S.A., Inc., dated June 22, 2001, and recorded in the Kennebec County Registry of Deeds in Book 6526, Page 154.

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8) Rights and easements granted to Central Maine Power Company and New England Telephone & Telegraph Company by Waterville Commons Associates, L.L.C. in an instrument dated September 6, 2001 and recorded in the Kennebec County Registry of Deeds in Book 6643, Page 241.

9) Rights and easements granted to Central Maine Power Company and Verizon New England, Inc. by Waterville Commons Associates, L.L.C. in an instrument dated November 19, 2001 recorded in the Kennebec County Registry of Deeds in Book 6735, Page 262.

For source of title to Parcel Two, reference may be had to the deed from OM Minot Associates, L.L.C. and OM Crystal Associates, L.L.C. dated June 25, 2002 and recorded in the Kennebec County Registry of Deeds in Book 7000, Page 158.

ALSO CONVEYING FOR THE BENEFIT OF PARCELS ONE AND TWO an easement for ingress and egress, by foot or vehicular travel in common with others, over and upon the following described portion of premises of WCCA Associations, Inc. located on the westerly side of Main Street in Waterville, Kennebec County, Maine more fully described as follows:

Beginning at a point depicted on a plan entitled Subdivision Plat of Waterville Commons, Route 104 a.k.a. Main Street, City of Waterville, Kennebec County, State of Maine, sheet 2 of 2, prepared for O.M. Minot Associates, L.L.C. and O.M. Crystal River Associates, L.L.C. by Survey & Geodetic Consultants, Inc., dated March 8, 2001 and recorded in the Kennebec County Registry of Deeds in Plan Book E-2001, Pages 35 and 36; said point being at the intersection of the westerly side of Main Street and the southerly side of the Common Access Road Parcel, now known as Waterville Commons Drive, at the northerly corner of a parcel of land owned by Webber Oil Company;

Thence S 65° 02' 13" W a distance of 235.03 feet along said land of Webber Oil Company and along a parcel of land conveyed to said Webber Oil Company by O.M. Crystal River Associates, L.L.C. et al. by deed dated June 25, 2002 and recorded in the Kennebec County Registry of Deeds in Book 7000, Page 158;

Thence S 24° 57' 33" E a distance of 91.46 feet continuing along said land of Webber Oil Company to point on the northerly side of land now or formerly of Elm Plaza Corporation;

Thence N 79° 57' 50" W a distance of 73.24 feet along said land now or formerly of Elm Plaza Corporation to a point;

Thence N 24° 57' 33" W a distance of 115.45 feet to a point on the northerly side of the Common Access Road Parcel and land now or formerly of Lafayette Waterville, Inc.

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Thence N 65° 02' 13" E a distance of 295.04 feet along the northerly side of the Common Access Road Parcel to a point on Main Street (a.k.a. Route 104);

Thence S 24° 56' 54" E along Main Street a distance of 66.00 feet to the point of beginning.

The easement is subject to all matters of public record including but not limited to the Reciprocal Easement and Operation Agreement dated June 22, 2001 recorded in the Kennebec County Registry of Deeds in Book 6526, Page 154.

For source of title to the easement reference may be had to the easement deed from WCCA Associations, Inc. to Webber Oil Company dated July 25, 2002 and recorded in the Kennebec County Registry of Deeds in Book 7000, Page 161.

This conveyance is further subject to such state of facts as shown on a plan entitled "Subdivision Plat - Waterville Commons, Route 104 a.k.a. Main Street, City of Waterville, Kennebec County, State of Maine" prepared by Survey & Geodetic Consultants, Inc., dated March 8, 2001, revised through March 27, 2001, and recorded in the Kennebec County Registry of Deeds in Book E-2001, Pages 035 and 036, and any facts which would be disclosed by an accurate survey and inspection of the premises subsequent to March 27, 2001.

RECEIVED KENNEBEC SS.

2002 SEP 16 AM 9:00